

EXHIBIT 10

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,) 1:23-cv-00108-LMB-JFA
et al.,)
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendants.)

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VIDEOTAPED DEPOSITION OF
KOBY SOUTH
August 31, 2023
9:06 a.m.

Reported by: Bonnie L. Russo
Job No. CS6074125

Veritext Legal Solutions

800-567-8658

973-410-4098

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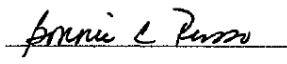
<p style="text-align: right;">Page 2</p> <p>1 Videotaped Deposition of Koby South held at:</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 Paul Weiss Rifkind Wharton & Garrison, LLP</p> <p>7 2001 K Street, N.W.</p> <p>8 Washington, D.C.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Pursuant to Notice, when were present on behalf</p> <p>19 of the respective parties:</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">I N D E X</p> <p>1 EXAMINATION OF KOBY SOUTH</p> <p>2 BY MS. MORGAN</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p style="text-align: center;">EXHIBITS</p> <p>7</p> <p>8 Exhibit 82 Solicitation/Contract/Order 75</p> <p>9 for Commercial Items</p> <p>10 VET-AF-ADS-0000461239-287</p> <p>11 Exhibit 83 E-Mail dated 6-16-21 151</p> <p>12 VET-AF-ADS-0000-122732-742</p> <p>13</p> <p>14 Exhibit 84 E-Mail dated 11-1-19 210</p> <p>15 Attachment</p> <p>16 VET-AF-ADS-0000126694-697</p> <p>17</p> <p>18 Exhibit 85 E-Mail dated 6-13-22 227</p> <p>19 Attachment</p> <p>20 VET-AF-ADS-0000027906-909</p> <p>21</p> <p>22 Exhibit 86 E-Mail dated 6-14-21 242</p> <p>Attachment</p> <p>VET-AF-ADS-0000027459-467</p> <p>PAGE</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 SEAN CARMAN, ESQUIRE</p> <p>4 VICTOR LIU, ESQUIRE</p> <p>5 ALVIN CHU, ESQUIRE</p> <p>6 KATHERINE E. CLEMONS, ESQUIRE</p> <p>7 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>8 450 Fifth Street, N.W., Suite 700</p> <p>9 Washington, D.C. 20530</p> <p>sean.carman@usdoj.gov</p> <p>victor.liu@usdoj.gov</p> <p>alvin.chu@usdoj.gov</p> <p>katherine.clemons@usdoj.gov</p> <p>On behalf of the Defendant:</p> <p>10 ERIN J. MORGAN, ESQUIRE</p> <p>11 PAUL, WEISS, RIFKIND,</p> <p>12 WHARTON & GARRISON, LLP</p> <p>13 1285 Avenue of the Americas</p> <p>14 New York, New York 10019</p> <p>15 ejmorgan@paulweiss.com</p> <p>16 -and-</p> <p>17 HEATHER MILLIGAN, ESQUIRE</p> <p>18 ANNELISE CORRIVEAU, ESQUIRE</p> <p>19 MARTHA L. GOODMAN, ESQUIRE (Via Remote)</p> <p>20 PAUL, WEISS, RIFKIND,</p> <p>21 WHARTON & GARRISON, LLP</p> <p>22 2001 K Street, N.W.</p> <p>Washington, D.C. 20006</p> <p>hmilligan@paulweiss.com</p> <p>acorriveau@paulweiss.com</p> <p>mgoodman@paulweiss.com</p> <p>Also Present:</p> <p>Orson Braithwaite, Videographer</p> <p>Laura Reass, Department of Veterans Affairs</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;">(9:06 a.m.)</p> <p>1</p> <p>2</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning.</p> <p>5 We are going on the record at</p> <p>6 a.m. on August 31, 2023.</p> <p>7 Please note that the microphones are</p> <p>8 sensitive and may pick up whispering and</p> <p>9 private conversations. Please mute your phones</p> <p>10 at this time.</p> <p>11 Audio and video recording will</p> <p>12 continue to take place unless all parties agree</p> <p>13 to go off the record.</p> <p>14 This is Media Unit 1 of the</p> <p>15 video-recorded deposition of Mr. Koby South in</p> <p>16 the matter of United States, et al., versus</p> <p>17 Google LLC filed in the United States District</p> <p>18 Court, Eastern District of Virginia, Alexandria</p> <p>19 Division. Case No. 1:23-cv-00108-LMB-JFA.</p> <p>20 My name is Orson Braithwaite</p> <p>21 representing Veritext Legal Solutions. I am</p> <p>22 the videographer. The court reporter is Bonnie</p>

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<p>1 Q. Do you know whether -- prior to DOJ</p> <p>2 filing the lawsuit in January of 2023 against</p> <p>3 Google, if anyone from DOJ notified the</p> <p>4 Department of Veterans Affairs that it</p> <p>5 suspected that the Department of Veterans</p> <p>6 Affairs might be suffering financial damages as</p> <p>7 a result of its contracts with Google?</p> <p>8 MR. CARMAN: Objection, and I will</p> <p>9 instruct the witness not to answer.</p> <p>10 MS. MORGAN: I'm just asking if he</p> <p>11 knows before he ever spoke to DOJ.</p> <p>12 MR. CARMAN: Yes, but then you went</p> <p>13 on to ask whether anyone from DOJ notified the</p> <p>14 Department of Veterans Affairs and then you</p> <p>15 went on to describe the substance of a</p> <p>16 conversation.</p> <p>17 BY MS. MORGAN:</p> <p>18 Q. You never had any communication with</p> <p>19 the Department of Justice prior to March of</p> <p>20 2023 on any subject, correct?</p> <p>21 MR. CARMAN: I think I will also</p> <p>22 instruct you not to answer that question.</p>	<p>1 refunds from Google before for advertising, but</p> <p>2 I'm not sure if it was ever really discussed in</p> <p>3 a broader sense that it was specifically</p> <p>4 related to anticompetitive practices, so I</p> <p>5 think I would answer that with no.</p> <p>6 BY MS. MORGAN:</p> <p>7 Q. How did you receive the refunds that</p> <p>8 you just referenced?</p> <p>9 A. Electronic fund transfer.</p> <p>10 Q. From where?</p> <p>11 A. Google.</p> <p>12 Q. From Google directly?</p> <p>13 A. Not to me.</p> <p>14 Q. How do you know that they came from</p> <p>15 Google?</p> <p>16 A. They -- we frequently get refunds</p> <p>17 from ad tech providers and they end up going on</p> <p>18 an invoice and then they get reallocated back</p> <p>19 into paid media.</p> <p>20 Q. Was that from Google to the VA?</p> <p>21 MR. CARMAN: Object to form.</p> <p>22 THE WITNESS: In a broad sense, yes.</p>
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<p>1 MS. MORGAN: He's already answered</p> <p>2 that question.</p> <p>3 MR. CARMAN: Then it is asked and</p> <p>4 answered.</p> <p>5 BY MS. MORGAN:</p> <p>6 Q. Prior to this lawsuit being filed,</p> <p>7 were you aware of any anticompetitive conduct</p> <p>8 on the part of Google that would affect the</p> <p>9 Department of Veterans Affairs' advertising?</p> <p>10 MR. CARMAN: Objection. Calls for a</p> <p>11 legal conclusion.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: Can you ask that</p> <p>14 question again, please.</p> <p>15 BY MS. MORGAN:</p> <p>16 Q. Yeah. Prior to this lawsuit being</p> <p>17 filed, were you aware of any anticompetitive</p> <p>18 conduct on the part of Google that would affect</p> <p>19 the Department of Veterans Affairs'</p> <p>20 advertising?</p> <p>21 MR. CARMAN: Same objection.</p> <p>22 THE WITNESS: We have received</p>	<p>1 BY MS. MORGAN:</p> <p>2 Q. What do you mean, "in a broad</p> <p>3 sense"?</p> <p>4 A. Because that money will be spent on</p> <p>5 advertises -- advertisements, that have been</p> <p>6 authorized by the Department of Veterans</p> <p>7 Affairs to its broker Reingold.</p> <p>8 Q. Does the refund come to you from</p> <p>9 Reingold?</p> <p>10 MR. CARMAN: Object to form.</p> <p>11 THE WITNESS: No. The refund comes</p> <p>12 to Reingold.</p> <p>13 BY MS. MORGAN:</p> <p>14 Q. The refund comes from Google to</p> <p>15 Reingold?</p> <p>16 A. Correct. Or another ad provider.</p> <p>17 And it gets tracked on invoices and put back</p> <p>18 into funding, that then gets spent on paid</p> <p>19 media according to an approved plan or, you</p> <p>20 know, budget allocation.</p> <p>21 Q. When you say "it gets tracked on</p> <p>22 invoices," are you talking about invoices from</p>

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<p style="text-align: right;">Page 290</p> <p>1 THE WITNESS: Yeah, I am</p> <p>2 generalizing that I think most record retention</p> <p>3 policies are somewhere in the neighborhood of</p> <p>4 seven years. That would include most records.</p> <p>5 I highly doubt that they are deleting patient</p> <p>6 records every seven years though, but most</p> <p>7 business operational documents I think are</p> <p>8 seven years.</p> <p>9 BY MS. MORGAN:</p> <p>10 Q. Do you use any kind of chat platform</p> <p>11 to communicate at work?</p> <p>12 A. We use Teams, yes.</p> <p>13 Q. And you use the chat function inside</p> <p>14 Teams?</p> <p>15 A. Yes.</p> <p>16 MS. MORGAN: Okay. I think we can</p> <p>17 go off the record. I think I am done on the</p> <p>18 30(b)(1), but I want to just talk to my team.</p> <p>19 Does anyone object to taking a</p> <p>20 break?</p> <p>21 MR. CARMAN: No.</p> <p>22 THE VIDEOGRAPHER: The time is</p>	<p style="text-align: right;">Page 292</p> <p>1 (Whereupon, the proceeding was</p> <p>2 concluded at 4:08 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 291</p> <p>1 p.m. This ends Unit 5. Off the record.</p> <p>2 (A short recess was taken.)</p> <p>3 THE VIDEOGRAPHER: The time is</p> <p>4 -- 4:08 p.m. We are on the record.</p> <p>5 MS. MORGAN: Mr. South, I am not</p> <p>6 going to have further questions for you as a</p> <p>7 fact witness.</p> <p>8 And before we go off the record in</p> <p>9 this deposition, I do want to just reserve</p> <p>10 rights -- my understanding is that last night</p> <p>11 the Department of Justice informed Google that</p> <p>12 there were some -- like several thousand</p> <p>13 documents of Mr. South's that had not been</p> <p>14 produced yet. We proceeded with the deposition</p> <p>15 anyways. It was scheduled. I'll just reserve</p> <p>16 the right to reopen the deposition should that</p> <p>17 become necessary when we look at the documents.</p> <p>18 And I have no further questions on</p> <p>19 this -- in this deposition.</p> <p>20 MR. CARMAN: We have no questions.</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 p.m. We are off the record.</p>	<p style="text-align: right;">Page 293</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Bonnie L. Russo, the officer before</p> <p>3 whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the witness whose testimony</p> <p>5 appears in the foregoing deposition was duly</p> <p>6 sworn by me; that the testimony of said witness</p> <p>7 was taken by me in shorthand and thereafter</p> <p>8 reduced to computerized transcription under my</p> <p>9 direction; that said deposition is a true</p> <p>10 record of the testimony given by said witness;</p> <p>11 that I am neither counsel for, related to, nor</p> <p>12 employed by any of the parties to the action in</p> <p>13 which this deposition was taken; and further,</p> <p>14 that I am not a relative or employee of any</p> <p>15 attorney or counsel employed by the parties</p> <p>16 hereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19 </p> <p>20 _____</p> <p>21 Notary Public in and for</p> <p>22 the District of Columbia</p> <p>My Commission expires: August 14, 2025.</p>

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